

MAINE STATE LEGISLATURE

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MINORITY

L.D. 1594

DATE: February 15, 2002 (Filing No. S-425)

LABOR

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STATE OF MAINE SENATE 120TH LEGISLATURE SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 507, L.D. 1594, Bill, "An Act to Provide Disclosure and Financial Protections to Temporary Workers"

Amend the bill by striking out the title and substituting the following:

'An Act to Provide Protection for Temporary Workers'

Further amend the bill in section 1 by striking out all of those parts designated "~~§873.~~," "~~§874.~~," "~~§875.~~" and "~~§876.~~" and inserting in their place the following:

'§873. Protections

1. Permanent placement. A temporary services company may not restrict the right of a temporary worker to accept a permanent position with a client company or restrict the right of a client to offer permanent employment to a temporary worker. This subsection does not restrict a temporary services company from receiving a reasonable placement fee from the client.

2. Charge for cashing paychecks. A temporary services company may not directly or indirectly charge a temporary worker for cashing the worker's paycheck.

3. Discrimination prohibited. A temporary services company or a client company may not discharge, reduce compensation or otherwise discriminate against any temporary worker for making a complaint of a violation of this subchapter, participating in proceedings under this subchapter, using remedies to enforce the temporary worker's rights or otherwise asserting rights under this subchapter.'

COMMITTEE AMENDMENT

Further amend the bill in that part designated "~~\$877.~~" by striking out all of the first line (page 5, line 33, in L.D.) and inserting in its place the following:

'\$874. Enforcement; penalty'

Further amend the bill by inserting at the end before the summary the following:

'FISCAL NOTE

The additional costs associated with implementing the provisions of this measure can be absorbed by the Department of Labor and the Department of the Attorney General utilizing existing budgeted resources.

This bill may increase the number of civil suits filed in the court system. The additional workload and administrative costs associated with the minimal number of new cases filed can be absorbed within the budgeted resources of the Judicial Department. The collection of additional filing fees may also increase General Fund revenue by minor amounts.'

SUMMARY

This amendment, the minority report of the Joint Standing Committee on Labor, strikes several provisions in the bill. It retains the provision that prohibits a temporary services company from restricting a temporary worker from accepting a permanent position with a client company, the provision that prohibits a temporary services company from charging to cash a paycheck and the provision that prohibits discrimination against a temporary worker who asserts rights under the law. A temporary services company that violates the law would be subject to a civil penalty of between \$100 and \$500.

This amendment also adds a fiscal note to the bill.